

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-12-0106  
)  
Ark-Mo Livestock Auction, LLC., )  
)  
Kent E. O'Neal, )  
)  
and )  
)  
Janet L. O'Neal )  
)  
)  
)  
Respondents ) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents Ark-Mo Livestock Auction, LLC., Kent E. O'Neal and Janet L. O'Neal, willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

- (1) Respondent Ark-Mo Livestock Auction, LLC., was at all times material herein a limited liability company organized under the laws of the State of Missouri, which had its principal place of business and mailing address located at 10465 Highway 67 South, Harviell, Missouri, 63945.
- (2) On January 21, 2009, respondents sent correspondence to complainant to provide formal notice that they were ceasing their operations. As respondent Ark-Mo Livestock Auction, LLC. , no longer operates, its mailing address is the same as that of its owners, respondents Kent E. O'Neal and Janet L. O'Neal.
- (3) Respondent Kent E. O'Neal is an individual whose home address is in the State of Arkansas.
- (4) Respondent Janet L. O'Neal is an individual whose home address is in the State of Arkansas.
- (5) Respondent Ark-Mo Livestock Auction, LLC., under the direction, management, and control of respondents Kent E. O'Neal and Janet L. O'Neal, at all times material herein was:
  - (a) Engaged in the business of conducting and operating Ark-Mo Livestock Auction, LLC., a stockyard posted under and subject to the provisions of the Act;

- (b) Engaged in the business of a market agency selling livestock on a commission basis in commerce;
  - (c) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce.
- (6) Respondents Kent E. O'Neal and Janet L. O'Neal at all times material herein were each:
- (a) A manager of respondents Ark-Mo Livestock Auction, LLC.;
  - (b) An owner of 50% of the stock issued by respondent Ark-Mo Livestock Auction, LLC.;
  - (c) Responsible for the direction, management and control of respondent Ark-Mo Livestock Auction, LLC.
- (7) On January 26, 2009, Grain Inspection, Packers and Stockyards Administration (GIPSA), Packers and Stockyards Program, provided formal notice to respondents that respondents' registration under the Act had been terminated in light of respondents' notice of January 21, 2009, that they were ceasing operations.

### Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order

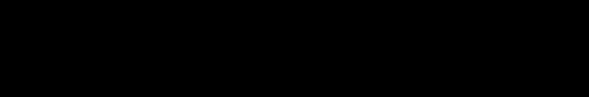
Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from:


1. Failing to maintain and properly use the custodial account for shippers' proceeds under the Act as required by section 201.42 of the regulations (9 C.F.R. §201.42);
2. Purchasing livestock and failing to pay for such livestock purchases the full amount of the purchase price for livestock within the time period as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); and
3. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented.

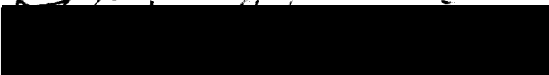
Respondents shall not be registered to engage in any business subject to the Act for a period of five (5) years. Pursuant to Section 303 of the Act (7 U.S.C. § 203), respondents are prohibited from operating as a market agency or dealer without being registered and without maintaining an adequate bond or bond equivalent.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth day after service of this consent decision and order on the respondents.

Copies of this decision shall be served upon the parties.

  
Kent E. O'Neal, on behalf of himself and  
on behalf of Ark-Mo Livestock Auction, LLC  
Respondents

  
Janet L. O'Neal, on behalf of herself and  
on behalf of Ark-Mo Livestock Auction, LLC  
Respondents

  
Krishna G. Ramaraju  
Attorney for Complainant

Done at Washington, D.C.

this 5<sup>th</sup> day of January, 2012

  
PETER M. DAVENPORT  
Administrative Law Judge